

ALSTON & BIRD

950 F. Street NW
Washington, DC 20004
202-239-3300 | Fax: 202-239-3333

Kelley C. Barnaby

Direct Dial: 202-239-3687

Email: Kelley.barnaby@alston.com

August 16, 2021

Via ECF

Hon. Barbara Moses
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Shih v. Petal Card, Inc., et al.*, No. 18-cv-5495 (S.D.N.Y.) (JFK) (BCM)

Dear Judge Moses:

We write on behalf of Defendants in response to the August 16, 2021 letter of Cassandra Vogel (ECF No. 190), counsel for third parties Lane Kauder, Radiant Lifestyle, LLC, and Tripsha, Inc., in order to inform the Court of the full text of our communication with Ms. Vogel that is quoted in her letter:

Cassandra – We would normally always accommodate an extension for vacation, but we have looked at the discovery and deposition schedule and unfortunately cannot accommodate this request given those deadlines. We will need to have the issue fully resolved and any improperly withheld documents in hand in time to prepare for depositions that begin this fall and must be completed before mid-December. We believe any delay in the briefing schedule would impede our compliance with the Court’s schedule.

Respectfully submitted,

/s/ Kelley C. Barnaby
Kelley C. Barnaby

Admitted Pro Hac Vice

Cc: All counsel via ECF